



# *County of Roanoke* **PLANNING COMMISSION**

**Mr. David Radford, Chairman**  
**Mr. Jason Peters, Vice-Chairman**  
**Ms. Martha Hooker**  
**Mr. Gary Jarrell**  
**Mr. Gene Marrano**

**Windsor Hills District**  
**Vinton District**  
**Catawba District**  
**Hollins District**  
**Cave Spring District**

## **AGENDA** **TUESDAY, AUGUST 21, 2012** **6:00 P.M. (4<sup>th</sup> FLOOR CONFERENCE ROOM 438)**

### **WORK SESSION**

- A. Call to Order
- B. Approval of Agenda
- C. Discussion of Zoning/Code Enforcement – John Murphy
- D. Discussion of Williamson Road/Peters Creek Road Landscaping Project – Megan Cronise
- E. Comments of Planning Commissioners and Planning Staff
- F. Adjournment



Roanoke County Department of Community Development

# Roanoke County Zoning Division Enforcement Process

Roanoke County Planning Worksession: August 21, 2011

# Enforcement overview

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- ▶ Roanoke County zoning staff is tasked with the responsibility of the enforcement of both the zoning ordinance and several other sections of county code.
- ▶ In order to provide for the most effective and efficient citizen service, staff has worked to develop a procedure to resolve all zoning and code complaints forwarded to this office.



# How are complaints received?

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- ▶ All zoning and code complaints are directed to the zoning office by way of an on-line complaint form.
- ▶ Citizens can either fill it out at their convenience, or staff will fill out the information at the time a complaint is received by phone or e-mail.
- ▶ [Roanoke County Code Compliance Complaint Form](#)



# On-line complaint form

Roanoke County, VA - Official Website - Windows Internet Explorer

http://roanokecountyva.gov/forms.aspx?FID=65

Convert Select

Favorites Flashcards Web Slice Gallery Free Hotmail Gateway.com MSN.com Radio Station Guide Microsoft Websites

Roanoke County, VA - ... Roanoke County IMS Summary Municode

Page Safety Tools

**E-Services**

- NOTIFY ME
- TRASH COLLECTION
- MEDIA CENTER
- COUNTY MAPS
- REPORT A CONCERN

Select Language

information.

If you have questions or would like to lodge your complaint by phone please call 540-772-2068 between 8:00 a.m. and 5:00 p.m. weekdays.

**Violating Property Information**

**Address of Property** (Please enter specific address information):\*

**If known:**

Tax Map Number:

Property Owner Address:

Property Owner Name:

Is this a rental property? ☐ Yes ☐ No

**Violation Type (select all that apply):**

<input type="checkbox"/> Unlicensed or inoperable vehicles	<input type="checkbox"/> Recreational vehicle/boat/trailer parked outside of the rear yard
<input type="checkbox"/> Excessive junk/debris in yard	<input type="checkbox"/> Fence height or location
<input type="checkbox"/> Operating a business from the home	<input type="checkbox"/> Dwelling in a recreational vehicle
<input type="checkbox"/> Illegal sign	<input type="checkbox"/> Structure not meeting required setbacks
<input type="checkbox"/> Commercial truck/vehicle parked on residential property	<input type="checkbox"/> Glare/light
<input type="checkbox"/> High grass/weeds	<input type="checkbox"/> Screening of dumpsters

Other:

Is this a repeat violation complaint? ☐ Yes ☐ No

**Complainant Information**

Name:

Email:

Daytime Phone:

Address:

Effective July 1, 2002, HB731 of the 2002 Virginia General Assembly updated the Virginia Freedom of Information Act. Email subscribers receiving information from a public body may, at their request, be exempt from having their email address given out should the email list be requested under the Freedom of Information Act (FOIA). If you would like to be exempted, please call (540) 772-2068 ext.228.

\* indicates required fields.

Submit Submit and Print Reset Cancel

Site map Privacy Emergency Preparedness Accessibility Powered by CivicPlus Copyright Notices

Roanoke County, Virginia | P.O. Box 29800, Roanoke, VA 24018-0798 | General County Information: (540) 772-2006

Unknown Zone (Mixed) | Protected Mode: Off | 100%

Complainant information if a follow-up is desired



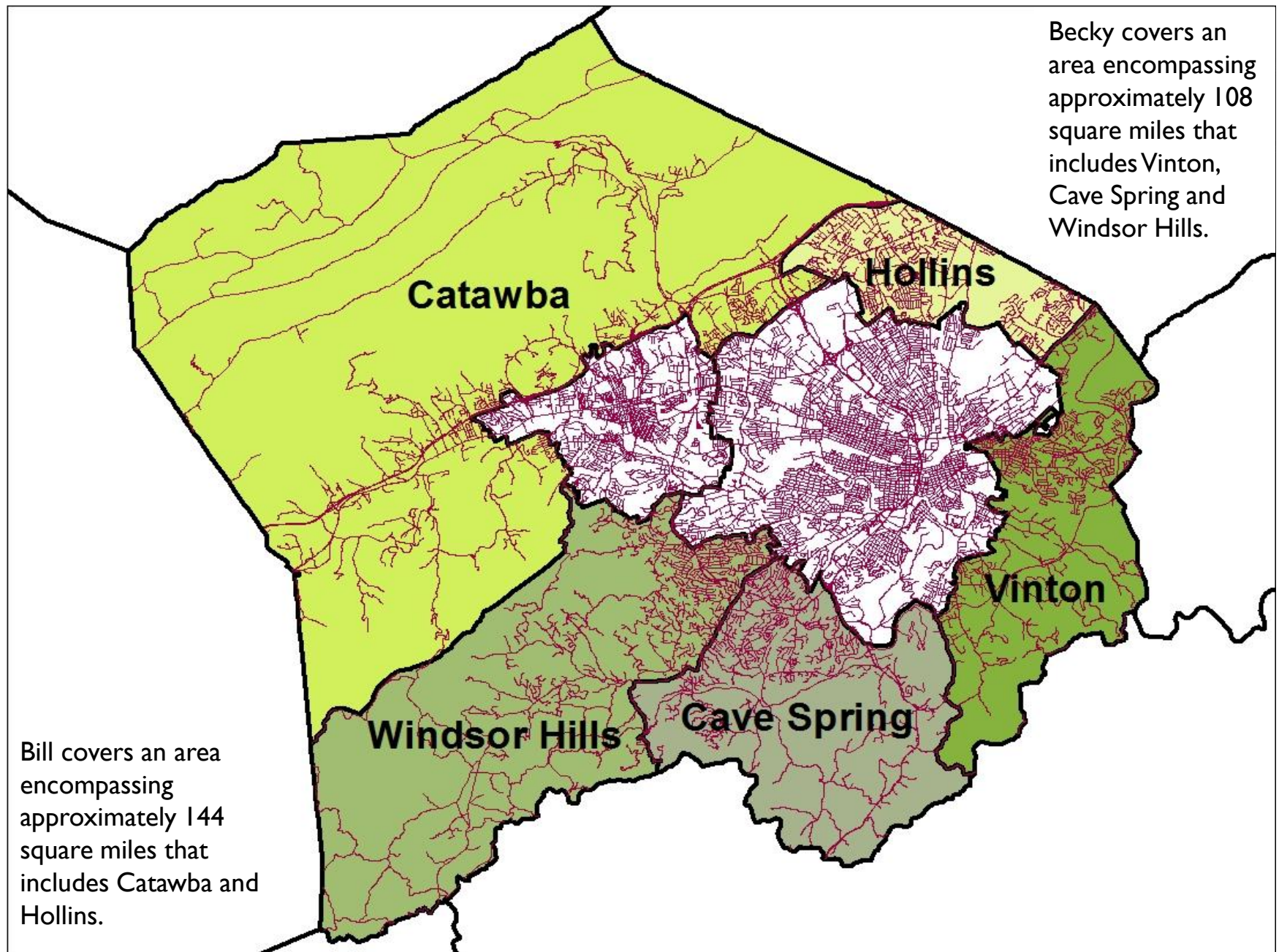
# Five step procedure to resolution

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- ▶ All complaints go through the established enforcement procedure until resolved. These five steps are:
  1. Violation determination
  2. Contact procedure
  3. Documentation procedure
  4. Violation follow-up
  5. Court proceedings or civil penalties



Becky covers an area encompassing approximately 108 square miles that includes Vinton, Cave Spring and Windsor Hills.



Bill covers an area encompassing approximately 144 square miles that includes Catawba and Hollins.





# Contact procedure



## County of Roanoke

DEPARTMENT OF COMMUNITY DEVELOPMENT

DIRECTOR, ARNOLD COVEY  
DEPUTY DIRECTOR OF DEVELOPMENT SERVICES, TAREK MONEIR  
DEPUTY DIRECTOR OF PLANNING, PHILIP THOMPSON  
COUNTY ENGINEER, GEORGE W. SIMPSON, III, P.E.  
BUILDING COMMISSIONER, JOEL S. BAKER, CBO

BUILDING PERMITS  
DEVELOPMENT REVIEW  
ENGINEERING  
INSPECTIONS  
MAPPING/GIS  
STORMWATER MANAGEMENT  
TRANSPORTATION

August 10, 2012

John Doe  
5000 Awesomesauce Lane  
Roanoke, VA 24016

Dear Property Owner:

Please take notice that a representative of this office inspected the property described below and found a violation of Chapter 12, Article V of the Code of Roanoke County. Specifically, the violation consists of keeping an inoperative vehicle(s) that is not completely screened or shielded from public view or not fully enclosed within a building. Section 12-122 defines an "inoperative motor vehicle, trailer or semitrailer" as one which is...

- (1) not in operating condition,
- (2) or which for a period of sixty (60) days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine or other essential parts required for operation of the vehicle,
- (3) or on which there are displayed neither valid license plates nor a valid inspection decal.

**Please correct this violation within ten (10) days by:**

- (A) Completely screening or shielding the vehicle(s) from public view so that it is not visible from any side or above; tarpaulins, tents, and similar shields are not satisfactory; or,**
- (B) Removing the vehicle(s) from the premises; or,**
- (C) Obtaining the valid license plates and a valid inspection decal**

Thank you for your assistance in this matter. If you have any questions concerning this notice, please contact this office at 540/777-7777, ext. 777.

Sincerely,

Ted Mosby  
Planner I/Code Enforcement Officer

P.O. BOX 29800 • ROANOKE, VIRGINIA 24018 • PHONE (540) 772-2068 • FAX (540) 776-7155





# Documentation procedure

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- ▶ Once the notice of violation has been crafted, it is the responsibility of the enforcement officer to ensure the notice is accurate.
- ▶ The enforcement officer then schedules a follow-up inspection to be made to check the status of the violation after the appropriate amount of time has elapsed.
- ▶ The amount of time between when the notice of violation is sent and when the follow-up is scheduled is based on whether the violation is code or zoning.



# Zoning vs. code violations

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- ▶ Code violations include many of the sections of County code tasked to enforcement staff that falls outside the zoning ordinance.
- ▶ Code violations are the most common violations enforced by the enforcement officers and include:
  - \* Inoperative vehicles
  - \* Tall grass and weeds
  - \* Excessive junk and debris
- ▶ The time allotted for violators to come into compliance for code violations is ten days from receipt of the violation notice.
- ▶ After the ten day window closes, if the violation is still unresolved, the enforcement officer can:
  1. Hire a contractor to resolve both tall grass and junk complaints, and/or impose a civil penalty
  2. Take out a summons to appear in General District Criminal Court to resolve the violation.



# Zoning vs. code violations

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- ▶ Zoning violations include all of the sections of County zoning ordinance.
- ▶ Zoning violations include, but are not limited to:
  - \* Commercial vehicles in residential areas
  - \* Improperly parked R.V.s, boats and trailers
  - \* Illegal signs
  - \* Setback violations
  - \* Excessive light/glare
- ▶ The time allotted for violators to come into compliance for zoning violations is thirty days from receipt of the violation notice.
- ▶ Any party has the right to file an appeal of a zoning violation within ten (10) or thirty (30) days of receipt of the notification before the Board of Zoning Appeals, depending on the code section.
- ▶ After the thirty day window closes, if the violation is still unresolved, the enforcement officer can take out a criminal summons for the property owner appear in General District Criminal Court to resolve the violation.



# Court

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- ▶ The enforcement officer must first fill out the required forms for a criminal summons and subpoenas for any necessary witnesses to appear in General District Criminal Court.
- ▶ Charges are then filed at the magistrate's office at the Roanoke County Court House and a court date is scheduled.
- ▶ The enforcement officer then must re-inspect the site either the day before or day of the court appearance.



Roanoke County Courthouse in Salem

- ▶ The case is then held in court, if the judge grants the defendant an extension, a follow-up is scheduled for that time.
- ▶ If found guilty, the defendant can appeal the decision to Circuit Court.



# Code and Zoning Enforcement Totals - Yearly

Enforcement Investigations Information	Total Number 7/10-6/11	Total Percentage 7/10-6/11	Total Number 7/11-6/12	Total Percentage 7/11-6/12
Number of Complaints Received	1358	100%	1172	100%
Complaints Investigated that were Violations	1094	64%	746	64%
Complaints Investigated that were NOT Violations	264	36%	426	36%
Number of Actual Violations Self Initiated (This Includes Field Spots and Neighborhood Sweeps)	247	n/a	422	n/a
Number of Properties Investigated during Neighborhood Sweep (See Table Below for Specific Areas)	2462	n/a	4108	n/a
Illegal Signs Removed from Right of Way	1023	n/a	1146	n/a
Number of General District and Circuit Court Criminal Cases	46	n/a	49	n/a



# Violations by type

Types of Violations: 7/11-6/12	Number of Violations	Percentage of Total Violations (Does not include signs)	Average Response Time (Business Days) Received Date	Average Number of Days to Resolve Violation
High Grass/Weeds	497	31%	1.86	7.25
Other Zoning Concerns	319	20%	2.41	11.04
Inoperable Vehicle	315	20%	1.94	13.51
Accumulation of Trash	231	14%	2.68	6.07
Other Code Concerns	96	6%	2.57	2.89
RV/Boat/Trailer	95	6%	1.58	13.42
Commercial Vehicle	41	3%	2.21	10.61
TOTALS:	1594	100%	2.18	9.26





# Inoperative vehicles





# Tall grass & weeds





# Trash & debris





# Commercial vehicles



# Improperly parked R.V.s, boats & trailers





# Neighborhood sweeps

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- ▶ Although the County only has two enforcement officers, during the “less busy season” of the winter, neighborhood sweeps are undertaken by enforcement staff.
- ▶ These sweeps involve a complete investigation of every property within a defined neighborhood to check for zoning/code compliance.
- ▶ Sweeps have been undertaken in all five magisterial districts, and where they are carried out is based upon past enforcement history.
- ▶ Ultimately, the goal of the sweeps is proactive enforcement in identifying and resolving zoning/code issues before they are reported by a citizen.



# Neighborhood sweeps: 7/11-6/12

*Neighborhood Sweeps	Total Number of Properties Reviewed	Total Number of Violations	Violation Percentage of Properties Reviewed		*Neighborhood Sweeps	Total Number of Properties Reviewed	Total Number of Violations	Violation Percentage of Properties Reviewed
Totals for Year	4108	60	1%		<u>Keffer</u>	174	15	9%
					Inoperable Vehicle		6	
<u>Arlington Hills</u>	134	3	2%		Other Zoning		9	
Inoperable Vehicle		2						
High Weeds and Grass		1			<u>Clearbrook</u>	55	7	13%
					Inoperable Vehicle		1	
<u>Hampden Hills</u>	147	4	3%		Accumulation of Trash		1	
Inoperable Vehicle		3			Other Zoning		5	
Commercial Vehicle		1						
	294	5	2%		<u>Castle Rock South</u>	643	7	1%
<u>Edgefield/Tulip</u>					Inoperable Vehicle		5	
Inoperable Vehicle		3			Commercial Vehicle		1	
Accumulation of Trash		2			RV/Boat/Trailer		1	
<u>Boxley Hills</u>	594	5	1%		<u>Crofton</u>	177	5	3%
Inoperable Vehicle		4			Inoperable Vehicle		1	
RV/Boat/Trailer		1			RV/Boat/Trailer		1	
					Commercial Vehicle		1	
<u>North Lakes</u>	798	2	1%		Accumulation of Trash		1	
Inoperable Vehicle		2			Other Zoning		1	
<u>Barrens (North)</u>	1092	7	1%					
Inoperable Vehicle		5						
RV/Boat/Trailer		2						



# Proffer and SUP conditions enforcement

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- ▶ When a property is rezoned that includes proffered conditions or a property is under the conditions of a SUP, enforcement officers are also tasked with their enforcement.
- ▶ Example: 6065 Peters Creek Road (Bojangles)





# Zoning conditions

- ▶ After a land use action has been approved by both the Planning Commission and the Board of Supervisors, an official ordinance is crafted.
- ▶ The conditions imposed are then the responsibility of the enforcement staff to make sure the conditions are maintained after final certificates of occupancy are issued.

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROANOKE COUNTY, VIRGINIA, HELD AT THE ROANOKE COUNTY ADMINISTRATION CENTER, TUESDAY, DECEMBER 19, 2006

**ORDINANCE 121906-7 TO REZONE 1.67 ACRES FROM C-1, OFFICE DISTRICT, TO C-2, GENERAL COMMERCIAL DISTRICT WITH CONDITIONS (TAX MAP NO. 27.13-5-1), TO REZONE 0.68 ACRE FROM R-3, MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT TO C-1, OFFICE DISTRICT (TAX MAP NO. 27.13-5-2), AND TO OBTAIN A SPECIAL USE PERMIT FOR A DRIVE-THRU RESTAURANT LOCATED AT 6065 PETERS CREEK ROAD HOLLINS MAGISTERIAL DISTRICT UPON THE APPLICATION OF LEXINGTON FALLS, LLC**

WHEREAS, the first reading of this ordinance was held on November 14, 2006, and the second reading and public hearing were held December 19, 2006; and

WHEREAS, the Roanoke County Planning Commission held a public hearing on this matter on December 5, 2006; and

WHEREAS, legal notice and advertisement has been provided as required by law.

BE IT ORDAINED by the Board of Supervisors of Roanoke County, Virginia, as follows:

1. That the zoning classification of a certain tract of real estate containing 1.67 acres located at 6065 Peters Creek Road (Tax Map Parcel Number 27.13-5-1) in the Hollins Magisterial District, is hereby changed from the zoning classification of C-1, Office District to the zoning classification of C-2, General Commercial District with conditions; and that the zoning classification of a certain tract of real estate containing 0.68 acre located in the 6100 block of Burlington Road (Tax Map Parcel Number 27.13-5-2) in the Hollins Magisterial District, is hereby changed from the zoning classification of R-3 Medium Density Multi-Family Residential District to the zoning classification of C-1, Office District.

2. That the Board finds that the granting of a special use permit to Lexington Falls, LLC to construct a drive-thru restaurant to be located at 6065 Peters Creek Road (Tax Map Parcel Number 27.13-5-1) in the Hollins Magisterial District is substantially in accord with the adopted 2005 Community Plan, as amended, pursuant to the provisions of Section 15-2-2232 of the 1950 Code of Virginia, as amended, and that it shall have a minimum adverse impact on the surrounding neighborhood or community, and said special use permit is hereby approved with the following conditions:

- 1) A monument-style sign shall be constructed measuring no greater than 5-feet tall and 7-feet wide. The sign face shall be surrounded by brick to match the building and shall include architectural features such as a pre-cast concrete cap and base.
- 2) Signage placed on the building shall occupy less than 5 percent of the building façade area.
- 3) Off-premises signs shall be prohibited.
- 4) The building shall be constructed in a style substantially conforming to Exhibit B, an accepted proffered exterior from the approved November 2005 Seaside Heights, LLC rezoning and special use permit for a Bojangles drive-in restaurant (case numbers 32-12/2004 and 33-12/2004), except that from grade to eave, all walls shall be constructed with at least two colors of red or brown brick instead of white brick.
- 5) Additional landscaping shall be provided. In particular, the dumpster enclosure shall be screened by tree and shrub plantings, additional trees shall be planted in the parking lot, a perimeter planting bed shall be designed in front of the parking spaces facing Peters Creek Road, additional landscaping shall be planted around the picnic area to further delineate it as a site feature, and all plants used shall conform to the Plant Palette listed in the *Williamson Road Hollins Village Design Guidelines*.
- 6) Light poles shall be black, gray, or grayish-brown. Light fixtures shall be directed downward and inward into the site, shall be no taller than 15 feet in height, and shall not be cobra-head or shoebox-style fixtures.
- 7) Decorative building lighting shall be used and fixtures shall be recessed wherever possible.

8) The picnic area shall be moved northward away from the dumpster. A crosswalk shall be constructed to lead customers from the nearest building entrance across the parking lot and an identifiable path shall continue from the parking lot to the picnic area.

9) The sides and rear of the dumpster enclosure shall be brick construction to match the building.

3. That this action is taken upon the application of Lexington Falls, LLC.

4. That the owner of the property has voluntarily proffered in writing the following conditions applicable to Tax Map Parcel Number 27.13-5-1, which the Board of Supervisors of Roanoke County, Virginia, hereby accepts:

1) The developer hereby proffers general conformance with the "Bojangles Restaurant – Concept Masterplan", prepared by Balzer and Associates, Inc. dated October 27, 2006, revised November 15, 2006, and last revised November 27, 2006, submitted with rezoning and special use permit application 31-12/2006 with no deviation from the shared entrance with the property to the north as shown.

5. That said real estate is more fully described as follows:

Parcel 1 - 1.67 acres located at 6065 Peters Creek Road (Tax Map Parcel Number 27.13-5-1) from C-1 to C-2

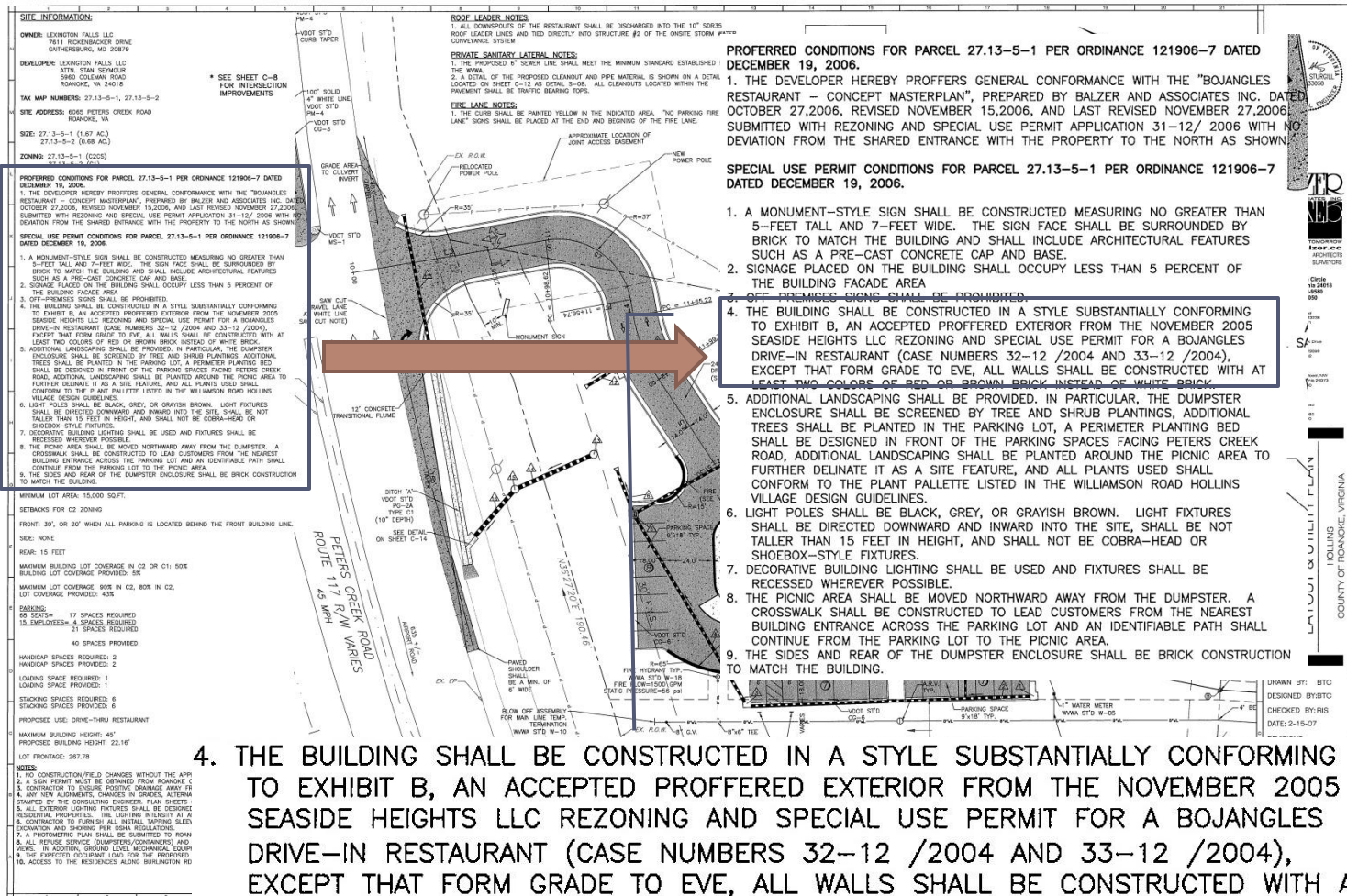
Parcel 2 - 0.68 acre located in the 6100 block of Burlington Road (Tax Map Parcel Number 27.13-5-2) from R-3 to C-1

6. That this ordinance shall be in full force and effect thirty (30) days after its final passage. All ordinances or parts of ordinances in conflict with the provisions of this ordinance be, and the same hereby are, repealed. The Zoning Administrator is directed to amend the zoning district map to reflect the change in zoning classification authorized by this ordinance.

On motion of Supervisor Flora to adopt the ordinance, and carried by the following recorded vote:



# Zoning conditions - continued



The approved conditions are always printed on the site plan.



# Zoning conditions - continued

CASE #s 32-12/2004, 33-12/2004

Exhibit B  
NOVEMBER 2, 2005  
REZONING/SUP AT  
BRAMBLETON - COLONIAL -  
MERRIMAN

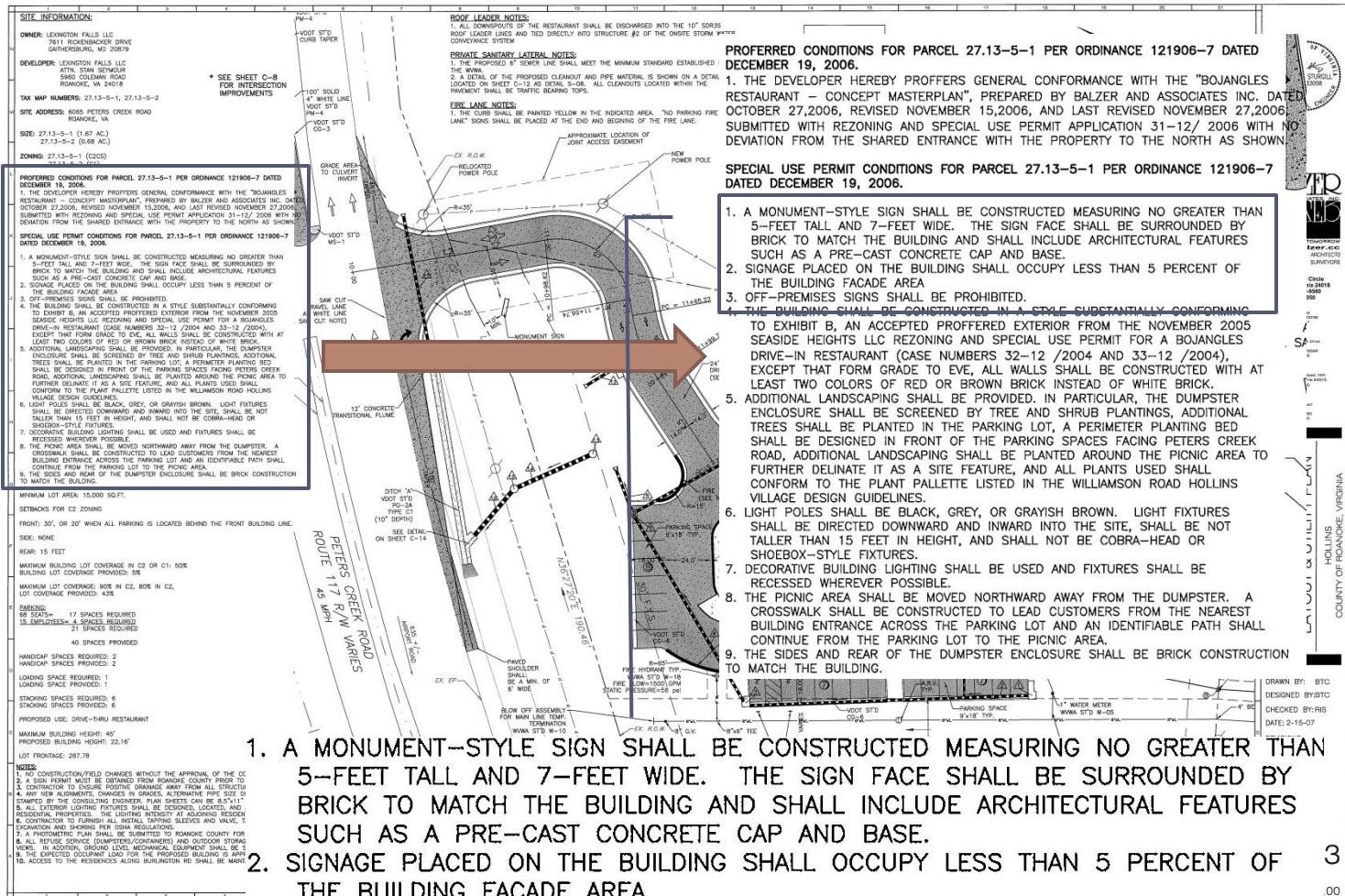


- ▶ The responsibility of the enforcement officer is to monitor the completed structure for conformance with the proffers and conditions established by both the planning commission and board of supervisors.





# Zoning conditions - continued

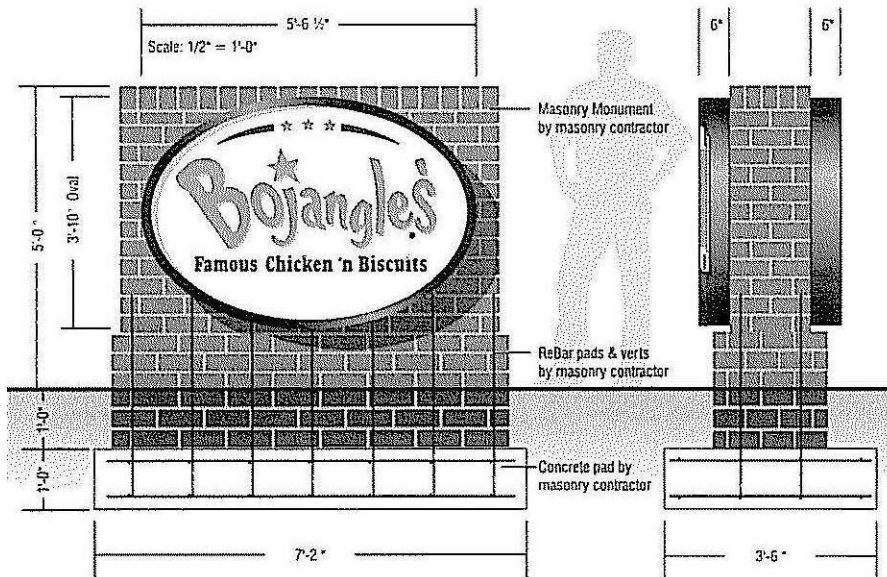
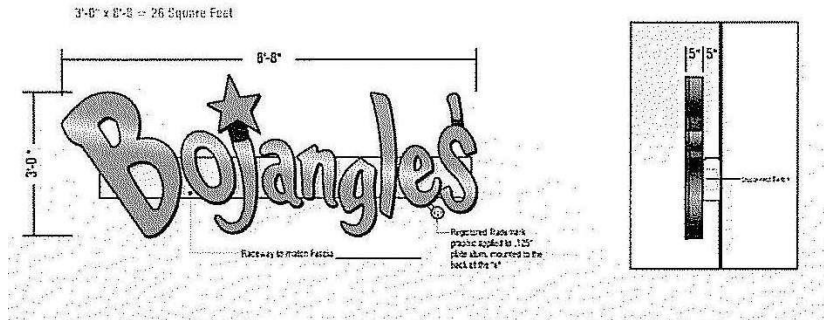


1. A MONUMENT-STYLE SIGN SHALL BE CONSTRUCTED MEASURING NO GREATER THAN 5-FEET TALL AND 7-FEET WIDE. THE SIGN FACE SHALL BE SURROUNDED BY BRICK TO MATCH THE BUILDING AND SHALL INCLUDE ARCHITECTURAL FEATURES SUCH AS A PRE-CAST CONCRETE CAP AND BASE.
2. SIGNAGE PLACED ON THE BUILDING SHALL OCCUPY LESS THAN 5 PERCENT OF THE BUILDING FACADE AREA
3. OFF-PREMISES SIGNS SHALL BE PROHIBITED.





# Zoning conditions - continued



# Additional responsibilities

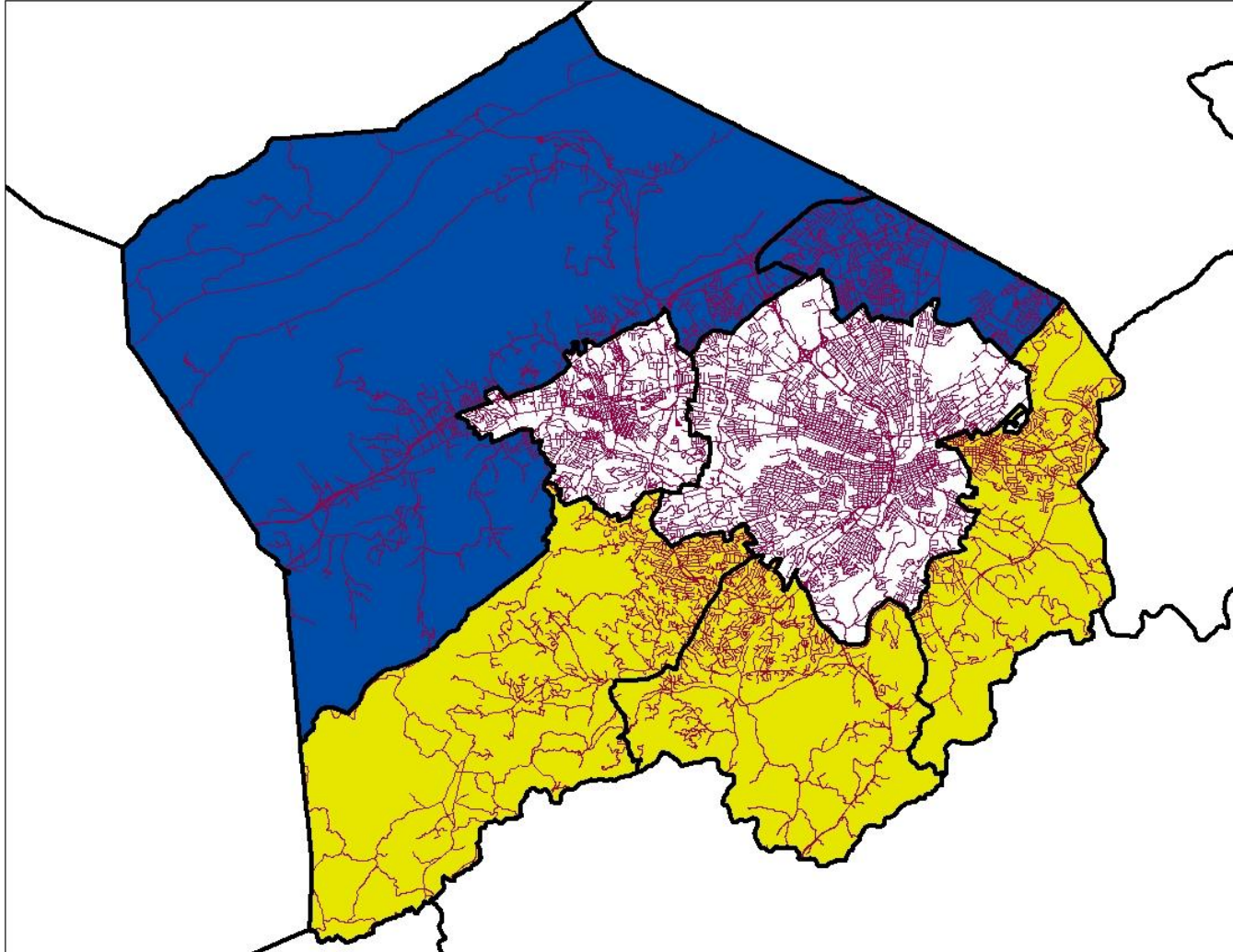
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- ▶ From time-to-time, enforcement works with outside departments and agencies to resolve both zoning and code issues.
- ▶ These departments and agencies include:
  - ▶ Roanoke County Office of Building Safety
  - ▶ Roanoke County Fire Marshalls Office
  - ▶ Roanoke County General Services
  - ▶ Roanoke County Police Department
  - ▶ Roanoke County Sheriffs Office
  - ▶ Roanoke County Health Department
  - ▶ Virginia Department of Transportation
  - ▶ Virginia Department of Environmental Quality
  - ▶ Virginia Department of Conservation and Recreation
  - ▶ United States Attorney Generals Office
  - ▶ Bureau of Alcohol, Tobacco & Firearms
  - ▶ National Parks Service
  - ▶ Department of Motor Vehicles Enforcement
  - ▶ Virginia Motor Vehicles Dealer Board
  - ▶ Virginia Department of Game & Inland Fisheries
  - ▶ Virginia Department of Health



# Questions

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# Landscaping Project

Williamson Road and Peters Creek Road Intersection  
Planning Commission Work Session  
August 21, 2012



Roanoke County Community Development



# Why are we here?

- VDOT Comprehensive Roadside Management Program requirements:
  - Public Hearing
  - Resolution of Endorsement



# Sites



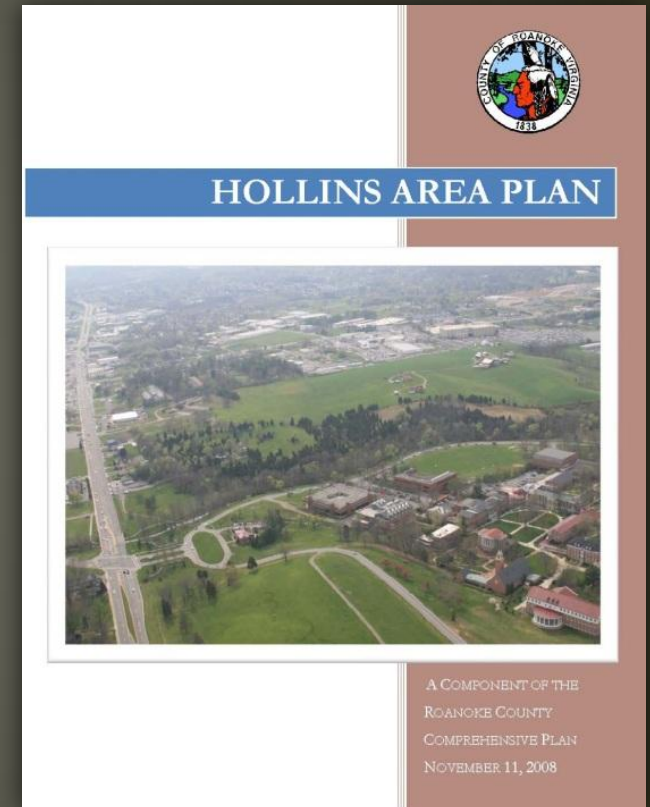
Southwest side of intersection in front of North Market Square shopping center

North side of intersection in front of Consumer Credit Counseling Services



# History

- Hollins Area Plan (2008) Implementation Strategies
  - Construct and install streetscape improvements (sidewalks, lighting, *landscaping*, signage, street furniture, etc.) throughout the study area
  - Ensure the maintenance of landscaping and other streetscape improvements throughout the study area



# Maintenance

- Landscaping has been take care of by VDOT for the last several years
- WRABA trash cans are emptied by Roanoke County PR&T staff



Existing Can



Replacement Can



# Project Overview

- May, 2012

- County staff gave a presentation to the WRABA membership highlighting the Williamson Road/Plantation Road landscaping project and other landscaping sponsorship opportunities; Mr. Barksdale offered to sponsor the Williamson Road/Peters Creek Road intersection at that meeting

- July, 2012

- Friendship Retirement Community signed a letter of intent to commit to the landscaping project and costs

- August, 2012

- Work session with the Board of Supervisors
- Work session with the Planning Commission
- Public hearing with the Board of Supervisors
- Completed application submission to VDOT for review and approval

- September, 2012 (tentative)

- Planting will occur



# VDOT Comprehensive Roadside Management Program

- Landscaping requirements
  - Cash or in-kind contribution required for the landscaping activity and sign
  - \$7,500 dollars for this location and these road types
  - Maintenance costs for the first five years can be included and counted as an in-kind contribution
- Sign requirements
  - Sign cost does not count towards the minimum contribution requirement
  - Sign allowed for five years but not more than 10 years
  - In this location, one sign is permitted on each side of the intersection (2 sign structures total)
- Renewal
  - Group can renew the agreement for another five years
  - Must spend the same amount of in-kind funds on maintenance/work over the next five years





# Proposed Landscaping



North side of  
intersection in  
front of  
Consumer  
Credit  
Counseling  
Services

Peters Creek  
Median  
Approaching  
Intersection



Roanoke County Community Development

# Proposed Sponsor Sign



# VDOT Requirements

- Land Use Permit forms
- Maintenance Agreement for landscaping
- Public hearing (set for August 28<sup>th</sup> )
- Resolution of Endorsement from the Board of Supervisors







# Questions

